

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
(WESTERN DIVISION)

FREDDIE JONES, LUKE JONES, §
TRENNA JONES, RALPH JONES, §
LAVON JONES and JIMMY §
FREEMAN, as Surviving Children §
of ELNORA JONES, Deceased, §
Plaintiffs, §
§
v. §
§
ABBOTT LABORATORIES, §
Defendant. §

CASE # 2:07-cv-02120-WGY-tmp

UNOPPOSED MOTION FOR AMENDMENT OF SCHEDULING ORDER

Plaintiffs, by and through counsel, and with the express consent of counsel for Defendant, Abbott Laboratories, pursuant to FED. R. CIV. P. 16(b)(4), respectfully requests amendment of the Court's October 15, 2012 Scheduling Order as follows. In support thereof, Plaintiffs respectfully submit the following:

1. As the Court is aware, extensive written and deposition discovery has already been completed in this case and discovery has closed. However, prior to the close of discovery, the parties agreed that a remaining Rule 30(b)(6) witness, Dr. James Embrescia, would be deposed upon resolution of the AEGIS adverse event database issue.¹ This outstanding deposition was noted in the Court's October 15, 2012 Amended Scheduling Order. *See Doc.#210.*

2. With the AEGIS database dispute resolved, due to scheduling conflicts and previously calendared professional obligations as well as the holidays, the deposition of Dr. Embrescia is scheduled for January 18, 2013.

¹ Dr. Embrescia is Abbott's Rule 30(b)(6) pharmacovigilance designee. Pharmacovigilance is, generally, a science concerning the monitoring, detection, assessment, and understanding of potential drug related adverse events.

3. The current date for disclosure of Plaintiffs' Rule 26 expert witnesses is January 18, 2013.

4. This deposition is both relevant and material to expert reports/opinions from Plaintiffs' experts. Obviously, Plaintiffs will be unable to provide Dr. Embrescia's testimony to their experts and still meet their current designation deadline of January 18, 2013 without a brief extension.

5. The parties have conferred and agreed that an extension of these deadlines is appropriate under the circumstances. Such an extension will materially enhance the preparation of the case, and will not prejudice either party or unduly delay this litigation. Therefore, it is respectfully requested that the remaining case deadlines be modified as follows:

Deadline for Plaintiffs' Rule 26(a)(2) expert designations February 4, 2013

Deadline for Defendant's expert designations February 26, 2013

Deadline to depose trial experts March 18, 2013

Deadline to file dispositive motions April 15, 2013

Dated: January 9, 2013.

Respectfully submitted,

PERDUE KIDD & VICKERY

/s/ Arnold Anderson (Andy) Vickery

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Certificate of Service

I certify that on this 9th day of January, 2013, Plaintiffs' Unopposed Motion for Amendment of Scheduling Order has been electronically filed with the Clerk using the CM/ECF system, which will automatically send email notifications of such filing to the following attorneys of record:

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